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COPY

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

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WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)

CR. NO. **CR03 00560 SOM**

INDICTMENT

[21 U.S.C. §§ 846,
841(a)(1) & 841(b)(1)(A)]

ROBERT LUM, a/k/a "Bobby Lum," (01))
EMILIO AJALA, JR., (02))
a/k/a "Travis,")
CHRIS VASCONCELLOS, (03))
WALLACE SHIMABUKURO, JR., (04))
a/k/a "Wally" Shimabukuro,)
ROXANNE ABAD, (05))
a/k/a "Roxanne Frigillana,")
LEONARD COSTA, a/k/a "Bully," (06))
DUNYA AMONA KANOA, (07))
a/k/a "Amona Leota,")
ANGELA AH QUIN, (08))
FRANK FELIX, (09))
STACY OPIOPIO, (10))
CHRISTIAN LUPENUI, (11))
POI MAUGAOTEGA, (12))
)
Defendants.)

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I N D I C T M E N T

COUNT 1

The Grand Jury charges that:

A. General Allegations

From a time unknown but by in or about July 2002 and continuing to and including March 12, 2003, in the District of Hawaii,

ROBERT LUM, a/k/a "Bobby Lum"

EMILIO AJALA, JR., a/k/a "Travis"

CHRIS VASCONCELLOS

WALLACE SHIMABUKURO, JR., a/k/a "Wally" Shimabukuro

ROXANNE ABAD, a/k/a "Roxanne Frigillana"

LEONARD COSTA, a/k/a "Bully"

DUNYA AMONA KANOA, a/k/a "Amona Leota"

ANGELA AH QUIN

FRANK FELIX and

STACY OPIOPIO

CHRISTIAN LUPENUI

POI MAUGAOTEGA

defendants herein, willfully conspired with Donald Morton a/k/a "Nakoa", a co-conspirator but not a defendant herein, and with other persons known and unknown to the Grand Jury, to unlawfully distribute and possess with intent to distribute methamphetamine, it salts, isomers, and salts of its isomers (a Schedule II

controlled substance), in violation of Title 21, United States Code, Sections 841(a)(1). Each of the defendants conspired with Morton, and other conspirators named and unnamed, to obtain such methamphetamine in an amount in excess of 50 grams.

B. Manner and Means of the Conspiracy

It was the object of this conspiracy that quantities of methamphetamine and crystal methamphetamine ("ice") would be obtained by co-conspirator Donald Morton from sources of methamphetamine in Hawaii and elsewhere, and thereafter, be variously distributed by Morton in smaller quantities to certain of the defendants named herein, including ROBERT LUM, EMILIO AJALA, JR., CHRIS VASCONCELLOS, ROXANNE ABAD, LEONARD COSTA, DUNYA KANOA, FRANK FELIX, STACY OPIOPIO, CHRISTIAN LUPENUI, POI MAUGAOTEGA, and other unnamed conspirators, in order that such defendants and conspirators could, in turn, re-distribute the methamphetamine (oftentimes in smaller quantities) to their respective drug customers in Hawaii.

From time to time during the existence of this conspiracy, one or more of the defendants named herein, including WALLACE SHIMABUKURO, JR., LEONARD COSTA, DUNYA KANOA, and ANGELA AH QUIN, assisted Donald Morton by attempting to find alternate and/or additional source(s) for methamphetamine.

C. Roles of the Conspirators

The persons named in this Indictment participated in the conspiracy as follows:

1. Donald Morton acted as a "wholesale" drug dealer. Morton arranged to obtain methamphetamine in quantities ranging up to multiple pounds at one time, and, to distribute this methamphetamine in Hawaii in ounce (or less) quantities to numerous smaller Hawaii drug dealers.

2. Defendants ROBERT LUM, EMILIO AJALA, JR., CHRIS VASCONCELLOS, ROXANNE ABAD, LEONARD COSTA, DUNYA KANOA, FRANK FELIX, STACY OPIOPIO, CHRISTIAN LUPENUI, and POI MAUGAOTEGA, were each drug "dealers," who obtained varying quantities of methamphetamine from Donald Morton, and, in turn, distributed such methamphetamine to their respective drug customers in Hawaii. LEONARD COSTA and DUNYA KANOA each also acted as a drug "broker" or "agent" as described in paragraph 3 herein.

3. Defendants WALLACE SHIMABUKURO, JR., LEONARD COSTA, DUNYA KANOA, and ANGELA AH QUIN, each acted as a drug "broker" or "agent;" each assisted Donald Morton by taking steps to find/obtain methamphetamine for Morton from alternate or additional drug source(s) to Morton's existing sources(s). LEONARD COSTA and DUNYA KANOA each also acted as a drug "dealer" as described in paragraph 2 herein.

D. Overt Acts

In furtherance of and during the existence of this conspiracy, the following overt acts were committed in the District of Hawaii:

1. On or about December 31, 2002, ROBERT LUM and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

2. On or about December 31, 2002, ROBERT LUM and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

3. On or about January 10, 2003, EMILIO AJALA, JR. left a telephone message for Donald Morton which message concerned a quantity of methamphetamine.

4. On or about January 16, 2003, EMILIO AJALA, JR. and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

5. On or about January 2, 2003, CHRIS VASCONCELLOS and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

6. On or about January 20, 2003, CHRIS VASCONCELLOS and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

7. On or about January 18, 2003, WALLACE SHIMABUKURO, JR. and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

8. On or about January 23, 2003, WALLACE SHIMABUKURO, JR. and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

9. On or about December 20, 2002, ROXANNE ABAD and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

10. On or about January 17, 2003, ROXANNE ABAD and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

11. On or about December 24, 2002, LEONARD COSTA and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

12. On or about December 26, 2002, LEONARD COSTA and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

13. On or about December 26, 2002, DUNYA KANOA and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

14. On or about January 4, 2003, DUNYA KANOA and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

15. On or about December 24, 2002, ANGELA AH QUIN and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

16. On or about December 26, 2002, ANGELA AH QUIN and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

17. On or about January 2, 2003, FRANK FELIX and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

18. On or about February 28, 2003, FRANK FELIX and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

19. On or about January 11, 2003, STACY OPIOPIO and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

20. On or about January 17, 2003, STACY OPIOPIO and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

21. On or about December 20, 2002, CHRISTIAN LUPENUI left a telephone message for Donald Morton, which message concerned a quantity of methamphetamine.

22. On or about December 24, 2002, CHRISTIAN LUPENUI and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

23. On or about December 14, 2002, POI MAUGAOTEGA and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

24. On or about January 2, 2003, POI MAUGAOTEGA and Donald Morton participated in a telephone conversation, which conversation included discussion about a quantity of methamphetamine.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A).

DATED: December 3, 2003, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, Grand Jury

for Edward H. Kubo, Jr.
EDWARD H. KUBO, JR.
United States Attorney
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for Elliot Enoki
ELLIOT ENOKI
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LOUIS A. BRACCO
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United States v. Robert Lum, et al.
Cr. No. _____
"Indictment"